

REMARKS

Claims 1-27 are pending in the present application, and stand rejected pursuant to an Office Action dated 9/30/2003. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102, Anticipation

The Examiner rejected Claims 1, 3-5, 7, 9-11, 13, 15-17, 19, 21-23 and 25-27 under 35 U.S.C. § 102 as being anticipated by Irribarren et al (US 5,530,740). This rejection is respectfully traversed.

With respect to Claim 1 (and dependent claims thereof), Applicants show that the cited reference does not teach the claimed feature of "entering the message into a designated account in the database by converting and storing the message in a uniform storage format specified for the designated account, *wherein the uniform storage format is different from (a data format) used by (the communication device) and wherein the uniform storage format is one of a plurality of different uniform storage formats used in the database*". This claimed feature not only advantageously provides a uniform storage format that is different from the data format used by the communication device, but it goes further and recites that there are a plurality of such uniform storage formats. The cited reference teaches three distinct types of messages – voice, text and facsimile – and they are each stored in their own distinct format. Voice messages are stored as voice messages (Claim 1). Text messages such as e-mail are stored in text format (Col. 5, lines 41-43). Facsimile messages are stored as fax image files (Col. 5, lines 12-25). To recap, voice messages are stored as voice messages, text messages are stored as text messages, and facsimile messages are stored as a fax image file. There is no teaching of a uniform storage format, as claimed, where the uniform storage format is different from a data format used by the communication device and wherein the uniform storage device is one of a plurality of different uniform storage formats used in the database.

In rejecting Claim 1, the Examiner states that Irribarren's teaching of a facsimile reads on the claimed message, and that this message is converted and stored in a uniform storage format ("a speech file"), wherein the uniform storage format is different from a data format ("a digital image file"). Applicants show error in this assertion as follows.

Iribarren does not teach converting a facsimile file into a speech file such that it is different than the received digital image file. As stated by Iribarren at Col. 5, lines 15-17:

"recent developments have enabled facsimile (FAX) messages to be *stored as image files* with the voice message storage system." (emphasis added by Applicants).

Iribarren goes on to state at Col. 5, lines 20-24:

"The user, upon the system instructing him or her that a FAX has been received, may forward the FAX to any number to which a FAX transceiver in the form of a FAX machine or other FAX receiving system is attached, forward *the FAX image file* to another voice mail address, have a hard copy printed on the office FAX machine" (emphasis added by Applicants).

Therefore, the cited reference implicitly and explicitly state that the received fax is not converted to a uniform storage format. It implicitly states this in that the FAX may be forwarded to another FAX machine or printed on the local FAX machine (without any requirement of subsequent processing or conversion); and it explicitly states this in that *the received FAX image file* can be forwarded to another voice mail address. Therefore, contrary to the Examiner's assertion, a received fax is not converted to a speech file which is different from the received image file.

The cited reference does state that the FAX image file is 'tagged' as a speech file such that it can be stored in a mailbox (Col. 6, lines 43-45). However, this tagging is merely the setting of an attribute associated with the file so that it can be used in the traditional voice mailbox, and does not convert the received message into a uniform storage format, as claimed. Per Dictionary.com, which is a multi-source dictionary search service produced by Lexico Publishing Group, LLC, 'tag' means:

n. tag

1. Computer Science.

- a. A label assigned to identify data in memory.

and tagging means:

v. tagged, tag-ging, tags

v. tr.

1. To label, identify, or recognize with or as if with a tag; *I tagged him as a loser.*

It is thus shown that assigning a label to the FAX digital image file by tagging it is very different from the claimed format conversion. Claim 1 is thus shown to have been erroneously rejected.

Further error is shown in the rejection of Claim 1, in that the cited reference does not teach a *plurality of different* uniform storage formats (where the uniform storage format is different from a data format used by the communication device). In establishing a teaching of this claimed feature, the Examiner states that the database can have text and facsimile (Office Action page 3, lines 5 and 6). Applicants show that even assuming arguendo that this is true, the text is stored as a text message (i.e. in the same format for which it was received) and the facsimile is storage as a FAX digital file (i.e. in the same format for which it was received). Thus, while the cited reference may teach a plurality of storage formats which are different, it does not teach a plurality of *uniform* storage formats (which is defined in the claim to be a storage format that is *different from* a data format used by the communication device from which it was received). Both of the formats cited by the Examiner are the *same as* the data format used by the communication device.

Thus, Claim 1 (and dependent claims thereof) is shown to not be anticipated by the cited reference as there are multiple missing claimed elements/features.

Further with respect to Claim 4, such claim recites that the received message entered into the database (which has been stored in the uniform storage format) is a voice message. However, the Examiner stated in rejecting Claim 1 that the received message that was converted was a facsimile (Office Action page 2, last paragraph). If the message

that gets converted is a facsimile, as alleged by the Examiner in rejecting Claim 1, it is shown to be error to then state that the message is a voice message in rejecting Claim 4 (which depends upon Claim 1). Such 'changing of horses in midstream' is not proper when analyzing a dependent claim (which contains all the features of the independent claim it depends upon, and thus requires consistency in its interpretation in view of the cited reference). To state that the received message that is converted to the uniform storage format is a facsimile in rejecting Claim 1, and then stating that the same received message that is converted to a uniform storage format is a voice message in rejecting Claim 4 (which depends upon Claim 1) is clear error.

With respect to Claim 7 (and dependent claims thereof), the cited reference does not teach the claimed feature of "wherein the uniform storage format is one of a plurality of different uniform storage formats used in the database and *messages for each designated account are only stored in the uniform storage format specified for such designated account*". In rejecting Claim 7, the Examiner equates the storing of voice messages in a mailbox as reading on this claimed feature. However, Applicants show that a key enabling feature of the teachings of the cited reference is the ability to store FAX image files in this same mailbox (Col. 5, lines 15-28, etc.), which are stored in a different format. This is in contrast to and different from the claimed feature that messages for each designated account are *only stored in the uniform storage format specified for such designated account* (mailbox). In summary, the cited reference teaches storing of messages in a user's mailbox in *two different types of formats*, which is contrary to only storing in the uniform storage format, as claimed. Therefore, the rejection of Claim 7 (and dependent claims thereof) is shown to be in error.

With respect to Claim 13 (and dependent claims thereof), Applicants traverse for similar reasons to those given above regarding Claim 1.

With respect to Claim 19 (and dependent claims thereof), Applicants traverse for similar reasons to those given above regarding Claim 7.

With respect to Claim 25, Applicants traverse for similar reasons to those given above regarding Claim 1 and show that the cited reference does not teach the claimed feature of "wherein the uniform storage format is different from a data format used by the communication device and wherein the uniform storage format is one of a plurality of

different uniform storage formats used in the database". Thus, Claim 25 is not anticipated by the cited reference.

With respect to Claim 26, Applicants traverse for similar reasons to those given above regarding Claim 7, and show that the cited reference does not teach the claimed feature of "wherein the uniform storage format is one of a plurality of different uniform storage formats used in the database and messages for each designated account are only stored in the uniform storage format specified for such designated account". Thus, Claim 26 is not anticipated by the cited reference.

With respect to Claim 27, such claim recites a message having three different formats as various times throughout the claimed method. The received message is converted from a first data format to a uniform storage format, and stored. This stored message (stored in the uniform storage format) is then retrieved and converted from the uniform storage format to another data format, wherein the another data format is different from both the first data format and the uniform data storage format. Thus, the three formats that pertain to the message are (i) first data format, (ii) uniform storage format, and (iii) another data format. The cited reference does not teach such message format transformation. Of particular noteworthiness is the fact that it is the same message that is subject to the three formats, one format upon receipt of the message, a second format upon storage of the message, and a third format after the message has been retrieved from the database. In rejecting Claim 27, the Examiner states that the claimed receiving of a message is taught by "The system receives a user's call to retrieve messages at the user's station" (Office Action page 9, lines 7-8), that the converting of the received message into another format is taught by "a facsimile" being converted, and that converting the converted message is taught by "the message is played". This is shown to be in error, as the Examiner is using three different messages to establish three conversions. The first message being used is *a call to retrieve messages*, the second message being used is *a facsimile* (which is obviously a very different type of message from a call to retrieve messages), and the third message being a stored *voice message*. This is very different from what is being claimed, where the *same message* is the object of a conversion to a uniform storage format for storing in a database, and this *same message* is the object of a conversion from the uniform storage format to another data

format. Restated, the message as received has one format, is converted to another format and stored in a database, and is converted to yet a third format. The Examiner's allegation of the format conversion for three different types of messages (a call to retrieve a message, a facsimile and a stored voice message) simply does not teach the claimed three formats of the same message. Therefore, Claim 27 is shown to not be anticipated by the cited reference.

Therefore, the rejection of Claims 1, 3-5, 7, 9-11, 13, 15-17, 19, 21-23 and 25-27 under 35 U.S.C. § 102 has been overcome.

II. 35 U.S.C. § 103, Obviousness

The Examiner rejected Claims 2, 6, 8, 12, 14, 18, 20 and 24 under 35 U.S.C. § 103 as being unpatentable over Irribarren et al (US 5,530,740) in view of Penzias (US 5,475,738). This rejection is respectfully traversed.

Applicants initially traverse the rejection of the claims for similar reasons to those given above regarding their respective independent claims (of which these claims depend upon).

Further with respect to Claim 2, such claim recites a plurality of allowable communication devices, and wherein the allowable communication devices *each* send data in a format *different from* the uniform storage format. In rejecting Claim 2, the Examiner asserts that Penzias Col. 4, lines 59-65 teaches this claimed feature. There, Penzias states:

"The telephone number reflects the number to be dialed to reach the individual's voice messaging service (e.g., the AUDIX system connected to a particular PBX system), while the extension is used to identify the individual to the voice messaging service."

It is not seen how a teaching of telephone and extension numbers to reach an individual's voice messaging service has anything to do with the claimed feature of "wherein the allowable communication devices *each* send data in a format *different from* the uniform

storage format". Therefore, Claim 2 has been erroneously rejected as a prima facie case of obviousness has not been made by the Examiner¹.

Applicants further traverse the rejection of Claim 14 for similar reasons to those given above regarding Claim 2.

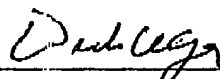
Therefore, the rejection of Claims 2, 6, 8, 12, 14, 18, 20 and 24 under 35 U.S.C. § 103 has been overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 11/3/03

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¹ In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *Id.* To establish prima facie obviousness of a claimed invention, *all of the claim limitations* must be taught or suggested by the prior art. MPEP 2143.03. (emphasis added by Applicants) *See also, In re Royka*, 490 F.2d 580 (C.C.P.A. 1974).